

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL NO. 1:04CR24-1

UNITED STATES OF AMERICA

vs.

ANNA LOU BARKER

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ORDER

THIS MATTER is before the Court on motions, filed by counsel and by Defendant *pro se*, for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2), based on the recent amendments to the Sentencing Guidelines with regard to offenses involving crack cocaine. **See Defendant's Pro Se Motion for Modification or Reduction of Sentence, filed February 8, 2008; Defendant's Motion for Reduction of Sentence [filed by counsel], filed October 9, 2008.** The Government has also filed a motion seeking an extension of time to respond to the Defendant's motions.

The Defendant was charged and convicted of conspiracy to possess with intent to distribute cocaine and marijuana in violation of 21 U.S.C. §§ 841 and 846. The original Guideline calculations were based on a quantity

of *cocaine powder* rather than on *cocaine base*. Therefore, Amendment 706 to the Sentencing Guidelines has no effect on the Defendant's sentence and her motions are denied.

Because the Defendant is not entitled to a sentence reduction, the Government's motion will be denied as moot.

IT IS, THEREFORE, ORDERED that the Defendant's motions for a reduction of sentence are hereby **DENIED**.

IT IS FURTHER ORDERED that the Government's motion for an extension of time is **DENIED** as moot.

Signed: October 24, 2008



Lacy H. Thornburg
United States District Judge

